

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document Japanese Application 2002-339796 submitted November 20, 2003. Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed November 20, 2003.

Applicant respectfully requests that the Examiner indicate whether the Formal Drawings filed November 11, 2005 are accepted.

Status of the Application

Claims 1-8 are all the claims pending in the Application, as claim 9 is hereby added. Claims 1-3 and 6-8 stand rejected. Claims 1-5 and 8 are also amended to more clearly define the invention, and to address the Examiner's claim objections. These are merely clarifying amendments, and are not believed to affect the scope of the claims in any way, and no estoppel is intended.

Allowable Subject Matter

The Examiner objects to claims 4 and 5 as being dependent upon a rejected base claim. Applicant thanks the Examiner for indicating that claims 4 and 5 would be allowed if rewritten in independent form. However, instead of rewriting claims 4 and 5 in independent form, Applicant respectfully traverses the prior art rejections for the reasons set forth below.

Specification Objection

The Examiner has objected to the Specification for having a non-descriptive Title and for containing “means” terminology in the Abstract. The informalities noted by the Examiner have been corrected. Thus, withdrawal of this objection is respectfully requested.

Claim Objections

The Examiner has objected to claims 4 and 5 due to informalities. The informalities noted by the Examiner have been corrected. Thus, withdrawal of the objection is respectfully requested.

Claims Rejections - 35 U.S.C § 103(a) in view of Yoshizawa et al.

The Examiner has rejected claims 1-2 and 6-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshizawa et al. (US 5,845,019; hereinafter “Yoshizawa”). This rejection is respectfully traversed.

Claim 1

Applicant respectfully submits that in addition to the elements that the Examiner admits are absent from Yoshizawa, Applicant’s claim limitation wherein the second magnification varying mirror is arranged in opposition to first magnification varying mirror and reflects light from the first magnification varying mirror a plurality of times between the first and second magnification varying mirrors, is also not taught or even remotely suggested by Yoshizawa.

The Examiner takes the position that Yoshizawa teaches all the features of claims 1, 2, 6 and 7, but fails to disclose the magnification varying mirror combinations being located before the image light enters the focusing lens and the original being held out of contact with the platen.

To make up this deficiency, the Examiner states it would be obvious to one of ordinary skill in the art that whether the magnification (optical length) varying mirror combinations are located before or after the focusing lens has no effect on the operation of the apparatus and such would be equivalent structure in that Applicant has not assigned any criticality to the magnification mirror being located before the focusing lens. Further, the Examiner alleges that the use of a holder for holding an original (such as film) out of contact with the platen is notoriously well known in the art for the purpose of making it easier to duplicate not easily handled originals of which the Examiner takes Official Notice. (Office Action, pg. 3)

Applicant agrees with the Examiner that Yoshizawa is deficient as noted above. However, Applicant respectfully points out that the additional remarks by the Examiner, alleging that several features would be obvious to one of ordinary skill in the art, are merely conclusory. The prior art reference must teach or suggest all the claim limitations. MPEP § 2142 (establishing a prima facie case of obviousness). Further, in order to take official notice without documentary evidence, as the Examiner has done, specific factual findings based on sound technical evidence and scientific reasoning to support a conclusion of common knowledge must be provided. MPEP § 2144.03B. The Examiner has failed to do so within the Office Action. Finally, Applicant respectfully submits that the deficiencies of Yoshizawa go beyond what the Examiner has acknowledged.

For example, Yoshizawa discloses a movable mirror block 4 which is driven to different positions based on the desired magnification. (See Fig. 2; col. 4, lines 22-25). But, in contrast to Applicant's independent claim 1, Yoshizawa only reveals mirrors performing a single reflection

between any two successive mirrors within the optical path. (See Figs. 1-10). In several cases, Yoshizawa discloses where a single mirror performs multiple reflections (See Figs. 8 and 10C), but this is not equivalent to the claimed reflecting a plurality of times between the first and second magnification varying mirrors, as the multiple reflections from a single mirror arrive from and reflect to different mirrors.

To illustrate this point, see Figures 8 and 10C, which show mirrors 31, 32 and 72 performing multiple reflections. However, these reflections only correspond to a single reflection from any of the other mirrors used in the device. Thus, this does not constitute a plurality of reflections between a first and second mirror. Further, the Examiner's conclusory statement of obviousness attributed to one of ordinary skill in the art fails to make up this deficiency of Yoshizawa.

Since the combination of Yoshizawa and the Examiner's conclusory statement of obviousness with regard to the location of the magnification mirror do not disclose or suggest all of the claim limitations, Applicant respectfully submits that independent claim 1 is allowable over the cited reference. Further, claims 2 and 6-7 are allowable at least by virtue of the dependency on claim 1, and by the features recited therein.

Claims Rejections - 35 U.S.C § 103(a) over Yoshizawa in view of Yeh

The Examiner has rejected claims 3 and 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshizawa in view of Yeh (US 6,421,158). This rejection is respectfully traversed.

For the same reasons noted above with regard to Yoshizawa, the combination of Yoshizawa and Yeh fails to teach or suggest every feature of Applicant's independent claim 1, from which 3 and 8 depend. Yeh fails to make up the deficiency noted with regard to a plurality of reflections between successive mirrors. Thus, Applicant respectfully submits that claims 3 and 8 are allowable over the applied references Yoshizawa and Yeh.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-9 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-9.

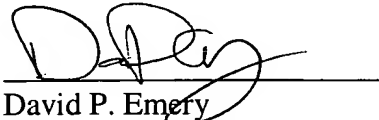
If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 10/716,400

Atty Dkt No. Q78515

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,


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